

Remarks

Claims 1-19, 24-25, 21-32, 41, 49, 62, 72 and 81 were pending with the August 24, 2006 Office Action. Of those, claims 1-19, 24-25 and 31 were examined and 32, 41, 49, 62, 72 and 81 were drawn to non-elected inventions. The amendments presented herewith amend claims 14, 24 and 31 and newly cancel claims 2, 19, 32, 41, 49, 62, 72 and 81. Remaining pending claims are examined claims 1, 3-17, 24-25 and 31.

Rejections under 35 U.S.C. 112, 2nd paragraph

Claim 14 was rejected under 35 U.S.C. 112, 2nd paragraph in view of the phrase “wherein the cell further comprises HIV-1”. Claim 14 has been amended to clarify that the “cell is infected with HIV-1”. In view of the amendments, it is believed that the rejection is moot.

Claims 19 and 24 were rejected under 35 U.S.C. 112, 2nd paragraph in view of the phrase “the cell is treated with the vector”. Claim 19 has been canceled and claim 17 (to which claim 24 depends) to clarify that the peptide is expressed in a human cell, where the cell is transfected with the vector. In view of the amendments, applicant submits that claim 24 is definite.

Rejections under 35 U.S.C. 101

Claims 1-9 stand rejected under 35 U.S.C. 101 as claiming a product of nature. Claim 1 has been amended to further specify that “the peptide is a fragment of INI1/hSNF5”, which does not occur in nature. Withdrawal of this rejection is therefore respectfully requested.

Claims 10-16 also stand rejected under 35 U.S.C. 101 as claiming a product of nature. The rejected claims depend from claim 1. The peptide of amended claim 1 does not occur in nature since fragments of INI1/hSNF5 (as claimed in claim 1) do not occur in nature. A cell comprising the peptide, as claimed in the rejected claims, also does not occur in nature. Withdrawal of this rejection is therefore respectfully requested.

Rejections under 35 U.S.C. 102(b)

Claims 1-7, 9-17, (19 - canceled) and 24-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,872,213 (the '213 patent). Applicant traverses this rejection. The '213 patent does not disclose a peptide comprising an Rpt1 domain that inhibits HIV-1 virion production and that is a fragment of INI1/hSNF5. The '213 patent only discloses a full length INI-1 peptide and gene, and not a fragment thereof that inhibits HIV-1 virion production. The '213 patent also does not disclose that SEQ ID NO:2, 3 or 5 of the instant application are inhibitory to HIV-1 virion production. Withdrawal of this rejection is therefore respectfully requested.


Conclusion

It is believed that no fee is required with this Reply. If there are any unanticipated fees required to maintain pendency of this patent application, the PTO is hereby authorized to withdraw funds for those fees from Deposit Account 01-1785.

Respectfully submitted

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, NY 10016
(212) 336-8000

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By: 
Elie H. Gendloff
Registration No.: 44,704